

EXHIBIT B

<p>1 2 UNITED STATES DISTRICT COURT 3 SOUTHERN DISTRICT OF NEW YORK 4 -----X 5 CHARLENE TALARICO, et al., 6 Plaintiff, 7 -against- 18 Civ. 0909 (JPO) 8 PORT AUTHORITY OF NEW YORK AND 9 NEW JERSEY, 10 Defendant. 11 -----X 12 October 20, 2020 13 10:04 a.m. 14 15 Videoconference deposition of JOSEPH 16 PANIO, taken by plaintiff, pursuant to 17 notice, reported remotely by Julia Liu, a 18 Shorthand Reporter and Notary Public of the 19 State of New York. 20 21 22 23 24 25</p>	<p>1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p> <p>3</p> <p>STIPULATIONS</p> <p>IT IS HEREBY STIPULATED AND AGREED, by and between counsel for the respective parties hereto, that all objections, except as to form, are reserved to the time of trial.</p> <p>IT IS FURTHER STIPULATED AND AGREED that the deposition may be signed and sworn to before any officer authorized to administer an oath.</p> <p>IT IS FURTHER STIPULATED AND AGREED that the sealing and filing of the deposition be waived.</p>
<p>1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p> <p>2</p> <p>APPEARANCES (ALL REMOTE PARTICIPANTS):</p> <p>ADVOCATES FOR JUSTICE, CHARTERED ATTORNEYS</p> <p>Attorneys for plaintiff</p> <p>225 Broadway, Suite 1902</p> <p>New York, NY 10007</p> <p>BY: RICHARD SOTO</p> <p>PORT AUTHORITY LAW DEPARTMENT</p> <p>Attorneys for Defendant</p> <p>The Port Authority of New York and New Jersey</p> <p>4 World Trade Center</p> <p>New York, NY 10007-2366</p> <p>BY: LAUREN GRODENTZIK</p> <p>DAVID KROMM</p>	<p>1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p> <p>4</p> <p>Panio</p> <p>JOSEPH PANIO,</p> <p>called as a witness, having been duly sworn, testified as follows:</p> <p>EXAMINATION</p> <p>BY MR. SOTO:</p> <p>Q. Good morning, Mr. Panio. My name is Richard Soto. I'm attorney for the plaintiff, Charlene Talarico, in a lawsuit that she has against the Port Authority of New York and New Jersey.</p> <p>A. Good morning.</p> <p>Q. Just -- let me just give you a few ground rules before we begin the questioning.</p> <p>A. Okay.</p> <p>Q. If you could allow me to finish my questions before giving an answer, that would help clarify the record.</p> <p>A. Yes.</p> <p>Q. If you don't understand a question that I pose to you, let me know and I will attempt to rephrase the question so that you understand it.</p> <p>A. Okay.</p>

1 Panio
 2 Q. And also if you could give
 3 complete verbal answers to the questions
 4 I'm going to pose to you today, that will
 5 also help clarify the record.
 6 A. Yes, understood.
 7 Q. Just to begin with, do you have
 8 any physical conditions or are you taking
 9 any medication that might affect your
 10 ability to give truthful answers to the
 11 questions I'm going to pose to you today?
 12 A. No.
 13 Q. What is your current employment
 14 status?
 15 A. My employment status?
 16 Q. Yes.
 17 A. I'm a full-time employee with the
 18 Port Authority of New York and New Jersey.
 19 Q. And what is your current position
 20 with the Port Authority?
 21 A. I am the Manager of Property
 22 Management for the Port Authority Division
 23 of Office Space Services and Property
 24 Management.
 25 Q. And what are your

1 Panio
 2 responsibilities in that position?
 3 A. I manage a small group of
 4 property managers and operations staff and
 5 contractors.
 6 Q. How long have you been in this
 7 position?
 8 A. Since 2005.
 9 Q. What are the responsibilities of
 10 the property managers you manage?
 11 A. Of the property managers that I
 12 manage, they oversee the day-to-day
 13 operations of Port Authority office space,
 14 which includes maintenance, electrical,
 15 plumbing, carpentry, cleaning services,
 16 contracts for those services, the security
 17 access installation and equipment contract
 18 as well.
 19 Q. And do you have a supervisor?
 20 A. I do.
 21 Q. Who is that?
 22 A. Vincent Borst.
 23 Q. And what is Mr. Borst's title?
 24 A. He's an assistant director in the
 25 Operations Services department.

1 Panio
 2 Q. About how many property managers
 3 do you have serving under you currently?
 4 A. I'm sorry, four.
 5 Q. And are they responsible for --
 6 in terms of their responsibilities you laid
 7 out before, is that organized according to
 8 property or is there some other way that
 9 they're assigned their duties?
 10 A. No, it's organized by properties.
 11 Q. And what properties are each of
 12 the four responsible for currently?
 13 A. So in New York, we have -- I have
 14 a property manager that's responsible for
 15 my New York properties, which is 4 World
 16 Trade, 156 William Street, 80 Pine, 120
 17 Broadway, 115 Broadway.
 18 In New Jersey, I have a manager
 19 for 2 Montgomery Street. And I also have a
 20 manager responsible for the Port Authority
 21 Technical Center at 241 Erie Street and 777
 22 Jersey Avenue in Jersey City. And I have a
 23 property manager that, not only does her
 24 portfolio include those two properties, but
 25 also the Teleport at Staten Island.

1 Panio
 2 And we have a couple of other
 3 operating properties in Hoboken. And we
 4 have a property in Newark.
 5 Q. Who is the New York property
 6 manager?
 7 A. Michael Leon.
 8 Q. Was there ever a time when the
 9 233 Park Avenue South property was in the
 10 bailiwick of the New York property manager?
 11 A. Yes, that was me.
 12 Q. And when was that?
 13 A. That was 2002 until we started
 14 vacating in 2015. And then ultimately, by
 15 2016, we were out of those, that -- the
 16 Park Avenue South locations.
 17 Q. And what position did you have
 18 before you were in your current position?
 19 A. I was the manager of New York
 20 leased properties.
 21 Q. And how long were you in that
 22 position?
 23 A. 2002 until the position changed
 24 in 2005.
 25 Q. How did the position change?

1 Panio
2 A. We were part of the Real Estate
3 department at that time. There was a New
4 Jersey and a New York manager. The New
5 Jersey manager retired. They consolidated
6 the position, and I acquired the Jersey
7 aspect of the property management as well.

8 Q. And what were your
9 responsibilities as manager of New York
10 leased properties?

11 A. The same as currently with the
12 Property Management group. I was just -- I
13 didn't have as many -- as large a group as
14 I do now.

15 Q. And before you became a manager
16 of New York leased properties in 2002, did
17 you have a position with the Port
18 Authority?

19 A. Yes.

20 Q. And what position was that?

21 A. I was one of the property
22 managers at the World Trade Center.

23 Q. How long were you in that
24 position?

25 A. I started there in March of 1999.

10

1 Panio
2 Q. And what were your
3 responsibilities in that position?
4 A. It was a, you know, it was a
5 property management position, more -- I had
6 more tenant relations responsibilities and
7 less operations. It was predominantly a
8 tenant, Tenant Services position.

9 Q. And did you have a supervisor you
10 reported to?

11 A. Yes.

12 Q. Who is that person?

13 A. Nancy Seliga.

14 Q. What was her title?

15 A. She was general manager for One
16 World Trade Center.

17 Q. And before you were a property
18 manager at the World Trade Center in 1999,
19 did you have a position at the Port
20 Authority?

21 A. No, I did not.

22 Q. Where did you work prior to
23 coming to the Port Authority?

24 A. I worked at New York State
25 Division of Housing and Community Renewal.

1 Panio
2 Q. And how long were you at New York
3 State Community Housing and Division of
4 Renewal?

5 A. About three and a half years.

6 Q. What were your job
7 responsibilities there?

8 A. It was more administrative. I
9 dealt with rent-regulated apartments in
10 Westchester.

11 Q. And do you remember the time
12 frame that that position exactly lasted?

13 A. I want to say -- it was like
14 almost four years that I was there, so I
15 would say sometime in 1994.

16 Q. And prior to 1994, where did you
17 work?

18 A. Prior to '94, I was a graduate
19 student. I was a graduate intern with
20 Westchester County Finance Department. And
21 I also worked at the Westchester County
22 Board of Elections.

23 Q. Where did you pursue your
24 graduate studies?

25 A. Pace University.

12

1 Panio
2 Q. Did you complete those studies?
3 A. Yes, I did.
4 Q. And what was the degree in?
5 A. Public administration, master's
6 in public administration.
7 Q. Where did you do your undergrad?
8 A. Syracuse University.
9 Q. And what was your degree in?
10 A. Political science.
11 Q. BA?
12 A. Yes.
13 Q. Before, you mentioned some of the
14 job responsibilities of the property
15 managers who currently work -- that are
16 under you are security access and
17 installation and entrance as well. Could
18 you go into more detail on what those
19 responsibilities entail?
20 A. Sure. We have a security -- we
21 have a contract for the installation of
22 security equipment, which would include
23 card access equipment and security cameras
24 and CCTV systems.
25 Q. And is that a contract with a

1 Panio
 2 particular company?
 3 A. Yes, it is. Boss Systems.
 4 Q. And who does the day-to-day
 5 operation of the security systems that Boss
 6 Systems has installed on Port Authority
 7 property?
 8 A. That would be our manager of
 9 security.
 10 Q. And who is the manager of
 11 security, current manager?
 12 A. Yes, the current manager is Luigi
 13 Canepa, C-A-N-E-P-A.
 14 Q. Does he have a particular
 15 position in the Port Authority?
 16 A. He's a -- his title is he's a
 17 field supervisor. He's an Operations
 18 represented staff. And he's in my group as
 19 well as the chief security officer. He
 20 works for both groups.
 21 Q. Who is the chief security officer
 22 currently?
 23 A. John Bilich.
 24 Q. How long has Boss Systems had the
 25 contract?

1 Panio
 2 A. Boss Systems has had a number of
 3 contracts with the Port Authority.
 4 Offhand, I don't -- I can't -- I don't
 5 recall how long each contract has been for
 6 or what the current contract -- I mean
 7 they're, generally, they're like two to
 8 four years each contract. But he's had a
 9 number of contracts.
 10 Q. In August of 2016, was Boss
 11 Systems responsible for the installation of
 12 security systems at Port Authority
 13 property?
 14 A. Yes.
 15 Q. And was the manager of security
 16 responsible for the operation of those
 17 systems in August of 2016?
 18 A. Yes.
 19 Q. And who was the manager of
 20 security in August of 2016?
 21 A. John Meyer, M-E-Y-E-R.
 22 Q. Who is the -- and I take it that
 23 -- did John Meyer have a dual report to
 24 yourself as well as the chief security
 25 officer in August 2016?

1 Panio
 2 A. No.
 3 Q. Who did he report to?
 4 A. He reported to myself and to our
 5 division manager, Vinny Borst.
 6 Q. When did that reporting structure
 7 change?
 8 A. Let's see, it would have been
 9 2018, '19, late '18.
 10 Q. Do you know why the reporting
 11 structure changed?
 12 A. Because the security guard
 13 contract was no longer an Office Space and
 14 Property Management contract, it became an
 15 agency-wide contract managed by the chief
 16 security officer's office.
 17 Q. So, before, you mentioned that
 18 Boss Systems was responsible for the
 19 installation of card access, CCTV, as well
 20 as surveillance cameras.
 21 A. Yes.
 22 Q. Are there any other cameras that
 23 they are responsible for, any other kinds
 24 of cameras on PA property they're
 25 responsible for?

1 Panio
 2 A. No.
 3 MS. GRODENTZIK: Object to form.
 4 You can answer.
 5 Q. Are there any other types of
 6 cameras other than surveillance cameras
 7 that are operated on Port Authority
 8 property through your division?
 9 MS. GRODENTZIK: Same objection.
 10 A. No.
 11 MS. GRODENTZIK: You can answer.
 12 Q. Are you aware of any other kinds
 13 of cameras that are operated on Port
 14 Authority that are outside of your
 15 division?
 16 MS. GRODENTZIK: Same objection.
 17 You can answer.
 18 A. No, not aware of that.
 19 Q. So is it safe to say that the
 20 only kinds of cameras that are fixed in
 21 Port Authority locations are surveillance
 22 cameras?
 23 A. For my properties, they're
 24 security cameras, yes.
 25 Q. And what is the purpose of these

1 Panio
2 surveillance cameras?
3 A. They monitor the access and
4 egress from our office space, the elevator
5 lobbies, entrances to offices, exit
6 stairwells.
7 Q. And is this surveillance, are
8 these surveillance cameras present in all
9 Port Authority properties?
10 MS. GRODENTZIK: Objection to
11 form. You can answer.
12 A. In all of my properties, yes.
13 Q. Are you aware of any Port
14 Authority properties where there are no
15 surveillance cameras present?
16 A. No.
17 Q. And just to clarify, no, you're
18 not aware or no, there are no properties
19 where there are no security cameras
20 present?
21 A. I'm not aware.
22 Q. Are you aware of any specific
23 Port Authority policy with respect to the
24 operation of surveillance cameras?
25 MS. GRODENTZIK: Objection. You

1 Panio
2 can answer.
3 A. For my properties, no, as far as
4 any operation.
5 Q. Are you aware of how footage
6 taken by these video cameras is stored?
7 A. Yes.
8 Q. And how is that video information
9 stored?
10 A. It's stored on localized
11 recorders.
12 Q. And how long is it stored on
13 localized recorders?
14 A. 30 days.
15 Q. Who is responsible for the
16 operation of the localized recorders?
17 A. Same. It would be our
18 contractor, our security equipment
19 contractor.
20 Q. And when the images are first
21 recorded, are you aware of who has access
22 to the monitoring equipment at that point
23 and who reviews that information?
24 MS. GRODENTZIK: Objection. You
25 can answer if you can.

1 Panio
2 A. Well, it's -- who views. In some
3 cases our security guards would be viewing
4 -- it depends on the location, it depends
5 on the location. In some cases, it's just
6 recorded and in some cases, it's recorded
7 and monitored.
8 Q. In which cases would a recording
9 be both recorded and monitored in real
10 time?
11 A. Certainly the entrances and exits
12 to our space.
13 Q. And in what instances would
14 locations simply be recorded?
15 A. It would depend if we had staff
16 at that location, whether it was strictly a
17 security camera. Those would be situations
18 where it would be just recorded.
19 Q. Is there any documentation that
20 points to which security cameras are to be
21 viewed in real time and which are simply
22 there for recording purposes?
23 A. No, not to my knowledge.
24 Q. Are you aware if security
25 footage, once taken and stored for 30 days,

1 Panio
2 is it subjected to any sort of data mining?
3 A. I'm sorry, I don't understand
4 that.
5 Q. Is it subjected to any sort of
6 facial recognition technology --
7 A. No.
8 Q. -- or other technology to pull
9 images?
10 A. No.
11 Q. Who particularly has access to
12 the data storage that those images are
13 stored for 30 days in?
14 A. Our security manager, the
15 security contractor would have access, and
16 the Office of the Inspector General, upon
17 request.
18 Q. And are you aware of how a
19 request to access any of the recorded video
20 imagery is handled through the Office of
21 Inspector General?
22 A. I don't know how they handle
23 them. They have to approve them.
24 Q. Does your office have any role in
25 processing any request to view imagery

1 Panio
2 that's stored from the video cameras?
3 A. Yes. The Inspector General's
4 office would approve a request. And we
5 would then process that request and provide
6 that video or footage to whomever they
7 directed us to provide it to.
8 Q. Is there a particular liaison
9 that your office deals with at the Office
10 of Inspector General to process these
11 requests?
12 A. I don't believe so.
13 Q. Is there any document that sums
14 up how your office processes a request for
15 the submission of video from your video
16 archive with the Office of Inspector
17 General?
18 A. No.
19 MS. GRODENTZIK: Sorry, I missed
20 part of that question. The what a
21 video?
22 Q. Is there any sort of document
23 that memorializes how your office interacts
24 with the Office of the Inspector General
25 when processing a request to get video from

1 Panio
2 your video archive?
3 A. No. It's an understanding. If a
4 request is made by a department, we will --
5 they will be advised that the Inspector
6 General's office must review and approve
7 their request.
8 Q. So is it your understanding then
9 that, once a request is made by the Office
10 of Inspector General for a submission of
11 video, that you have to comply?
12 A. Yes.
13 Q. And where exactly do you derive
14 that understanding from?
15 A. I don't really know. I guess
16 it's always just kind of been understood
17 that we wouldn't do that without their
18 approval.
19 Q. Do you recall ever receiving a
20 direct order that that's the way it's done
21 or reading anywhere that that's the
22 process?
23 A. No, no. I think that that was
24 just something that was mutually agreed
25 upon at one point between the Real Estate

1 Panio
2 department and the IG's office and the Law
3 department.
4 Q. Has there ever been an instance
5 where you've refused a request by the IG's
6 office for any video?
7 A. No, no.
8 Q. Have you ever received a request
9 to submit video outside the IG's office
10 from that video surveillance archive, the
11 30-day archive?
12 A. I'm sorry, has the request ever
13 come in from outside the agency?
14 Q. Have you ever received a request
15 from outside the Inspector General's
16 office?
17 A. Either way, the inspect -- no.
18 The Inspector General's office has to
19 approve. Have we received a request from
20 outside the agency? We've received
21 requests from local law enforcement, and
22 then that would also have to be approved by
23 the Inspector General.
24 Q. So if you receive a request
25 directly from local law enforcement, you

1 Panio
2 would direct them to the IG's office?
3 A. Yes.
4 Q. So you said that the video is
5 only stored for 30 days, what happens after
6 30 days?
7 A. Just record, they record over
8 themselves.
9 Q. Is there a particular location
10 where this database or databases of
11 security footage are maintained for that 30
12 days?
13 MS. GRODENTZIK: Objection to
14 form. You can answer.
15 THE WITNESS: I'm sorry, can I
16 answer?
17 MS. GRODENTZIK: Yeah, you can
18 answer.
19 A. It's all localized. It would
20 depend, you know, it would be maintained at
21 the location, in some cases, right on --
22 the recorder may be located right on the
23 floor. In some cases, it may be located in
24 the building.
25 Q. So you don't have a centralized

1 Panio
 2 server where this is stored it's just there
 3 are individual servers in different
 4 buildings or according to --
 5 A. Yeah, nah, I don't believe so. I
 6 know we've done some updating of that, but
 7 the systems are still local.
 8 Q. And, before, you mentioned that
 9 local law enforcement might go to the IG's
 10 office if they made a request. That would
 11 be the same for anyone, whether it's
 12 federal --
 13 A. Correct.
 14 Q. -- a prosecutor's office or
 15 whatnot?
 16 A. Yes, yes.
 17 Q. Everyone goes to the IG's office?
 18 A. Yes.
 19 MS. GRODENTZIK: Objection to the
 20 extent that it slightly
 21 mischaracterizes the prior testimony.
 22 But you can answer.
 23 Q. Is there any difference in the
 24 policy for operating the surveillance
 25 cameras depending on which department

1 Panio
 2 within the Port Authority that that camera
 3 might be covering?
 4 MS. GRODENTZIK: Objection to
 5 form. You can answer.
 6 A. No.
 7 Q. So there would be no difference
 8 in the way a surveillance camera is
 9 operated say in the entrance, general
 10 entrance to a building than say within --
 11 A. No.
 12 Q. -- an Office of Medical Services
 13 property?
 14 A. No.
 15 MS. GRODENTZIK: Same objection
 16 to form. You can answer.
 17 A. No.
 18 Q. Before, you mentioned that your
 19 contractor installed both CCTV and
 20 surveillance cameras. Do you draw a
 21 distinction between the two?
 22 MS. GRODENTZIK: Objection to the
 23 extent that -- mischaracterization of
 24 prior testimony. You can answer.
 25 A. It's both part of the same

1 Panio
 2 system. The security cameras obviously
 3 feed the monitors, the centralized TV
 4 monitors.
 5 Q. And what does CCTV feed into, if
 6 you're aware?
 7 A. It doesn't feed into anything.
 8 It's just localized systems where they
 9 exist.
 10 Q. Is CCTV footage also saved for 30
 11 days and then written over?
 12 A. Same, it's all the same footage.
 13 MS. GRODENTZIK: Joe, give him a
 14 chance to finish the question --
 15 THE WITNESS: Okay. Sorry.
 16 MS. GRODENTZIK: -- because you
 17 guys start talking over each other.
 18 MR. SOTO: Sorry, we have a very
 19 conversational rapport.
 20 MS. GRODENTZIK: Actually, can I
 21 just get the question and answer read
 22 back because I didn't get it all.
 23 (Question and answer read)
 24 Q. Okay. You mentioned before that,
 25 from 2002 to 2015, you were responsible for

1 Panio
 2 the 233 Park Avenue South location?
 3 A. Yes.
 4 Q. And that, by 2016, Port Authority
 5 was out of that location?
 6 A. Yeah. The Medical Services
 7 office was the last department to relocate
 8 -- to vacate our Park Avenue South offices.
 9 And that was like in the spring of '17. It
 10 was later than any of the other
 11 departments.
 12 Q. Do you recall how many
 13 surveillance and CCTV cameras were
 14 operational at 233 Park Avenue South on the
 15 8th floor at that time?
 16 MS. GRODENTZIK: Objection to the
 17 form. You can answer.
 18 A. Oh boy, I don't know the exact
 19 number. There would have been one at each
 20 of the entrances. One at the stairwell,
 21 the exit stairwell. And one or two in the
 22 elevator lobby inside the space. And I
 23 know that there was a camera inside one of
 24 the rooms.
 25 Q. The one camera you recall being

1 Panio
 2 inside one of the rooms, do you recall how
 3 long that camera had been operational?
 4 A. That camera was installed -- was
 5 not part of the original construction of
 6 the space -- it was installed at the
 7 request of the Medical department. I don't
 8 know when that request was made but it was
 9 certainly sometime after their occupancy of
 10 that space.
 11 Q. Do you recall who from the
 12 Medical department made the request?
 13 A. No. I don't know who
 14 specifically the request came from.
 15 Q. Was the request memorialized in
 16 any e-mails?
 17 A. I don't know.
 18 Q. Generally, when you get a
 19 specific request for the installation of
 20 surveillance equipment from a department
 21 within the Port Authority, is there a
 22 process by which that request is made?
 23 MS. GRODENTZIK: Objection to the
 24 form. You can answer.
 25 A. I guess it depends on the extent

1 Panio
 2 of the installation. For one camera, it
 3 may have come in on one of our project
 4 forms, request forms, it may have come in
 5 as an e-mail, it may have come in to a
 6 project group, or it may have come in
 7 directly to the security manager.
 8 Q. If that request is made, I take
 9 it it would have been forwarded to Boss
 10 Systems to actually carry out?
 11 A. There would have been a work
 12 ticket produced to perform the work, the
 13 installation.
 14 MS. GRODENTZIK: Just there's a
 15 lot of background noise all of a
 16 sudden, I'm not sure what it is.
 17 (Off record)
 18 MS. GRODENTZIK: Can you just --
 19 I couldn't actually hear what the
 20 question and answer was.
 21 MR. SOTO: The question was, is
 22 would it have been handled by Boss
 23 Systems.
 24 MS. GRODENTZIK: Got it.
 25 A. Yes, it would have been handled

1 Panio
 2 by Boss Systems.
 3 Q. And when Boss Systems handled
 4 that request, would there have been any
 5 sort of work order that your department
 6 would have submitted to Boss Systems?
 7 A. Yeah, there should have been a
 8 work order for that request, for that work,
 9 yes.
 10 Q. And does your department keep an
 11 archive of all work orders made to Boss
 12 Systems for the installation of security
 13 cameras?
 14 A. Yes. I'm not certain how far
 15 back we go. I mean the system's been
 16 updated a bit since the early 2000s. It
 17 was a little simpler system back then.
 18 Q. I know I asked this before, but
 19 since we've been discussing it, have you
 20 had any recollection of when this work
 21 order would have been carried out by Boss
 22 Systems to install that particular camera?
 23 A. No. I just, I have a
 24 recollection of the camera, and I know that
 25 it was after the construction, after their

1 Panio
 2 occupancy.
 3 Q. And when did Office of Medical
 4 Services occupy that location?
 5 A. I would say certainly some time
 6 in 2002.
 7 Q. Was -- strike that.
 8 Was OMS at One World Trade Center
 9 before they moved to 233 Park Avenue South?
 10 A. Yes, they were.
 11 Q. So it was the attack on the World
 12 Trade Center that prompted the move?
 13 A. Yes.
 14 Q. And do you recall why the request
 15 was made to put that particular
 16 surveillance camera in place in that room
 17 at 233 Park Avenue South?
 18 A. Yes. The request was made
 19 because they had installed a drug or a
 20 medication cabinet in that room and they
 21 wanted to increase security on that
 22 cabinet.
 23 Q. And do you recall if that
 24 particular camera was monitored in real
 25 time or if it just went straight to

1 Panio
2 storage?
3 A. You know, I don't remember.
4 Q. Was the operation of that camera
5 that OMS had requested to be installed at
6 233 Park Avenue South ever disabled before
7 OMS moved out of Park Avenue South?
8 MS. GRODENTZIK: Objection to the
9 form. You can answer if you know.
10 A. I'm sorry, before they moved out?
11 Q. Yeah, was it ever disabled?
12 A. Not to my knowledge.
13 Q. So it was in continuous operation
14 then from the time that the request was
15 made to install it to the time that OMS
16 moved out?
17 A. I believe so, yes.
18 Q. Do you recall how many PA
19 employees were using the location at 233
20 Park Avenue South, particularly the 8th
21 floor, when it was in operation?
22 A. No.
23 Q. Did your office maintain any
24 records on how many people cycled through
25 the location at 233 Park Avenue South on

1 Panio
2 the 8th floor?
3 MS. GRODENTZIK: Objection to
4 form. You can answer if you can.
5 A. Yeah, no, it was -- that would
6 have been monitored strictly by the medical
7 offices. It was an open building. You
8 entered, went right up the elevator right
9 to the lobby of the Medical department, and
10 you'd be let in by one of their staff.
11 Q. I'm going to try to show you a
12 video now.
13 MS. GRODENTZIK: Rich, while
14 you're doing that, can we just take a
15 two minute break real quick?
16 MR. SOTO: Sure. Let's just go
17 off the record while I fiddle around
18 with the video.
19 (Recess)
20 EXAMINATION CONTINUED
21 BY MR. SOTO:
22 Q. So this video, can everybody see
23 this video?
24 A. Yes.
25 MR. SOTO: This was previously

1 Panio
2 marked as Exhibit 1 during the
3 deposition of Dr. Pascale Kerlegrand.
4 I guess, for clarification, it's
5 Plaintiff's 1. And, as stated at that
6 deposition, we'll endeavor to circulate
7 physical copies of this video around to
8 all the participants. But right now
9 I'm just accessing this from a remote
10 storage, which I don't completely
11 understand. But nevertheless, this
12 video, which is marked
13 PAS-CH11-133100-135207, and the time
14 stamp on it is 16-8-4, which I believe
15 is August 4, 2016, and the time is
16 13:31 hours 1 second.
17 And I will just play a portion of
18 this, just a few seconds of this.
19 (The video was played)
20 MR. SOTO: And I'll freeze it
21 here at 13:31 hours and 6 seconds.
22 Q. Is this video -- do you recognize
23 what this video is covering?
24 A. No.
25 Q. Is it safe to say that this

1 Panio
2 camera is the one you were discussing that
3 was requested by OMS to be installed
4 though?
5 A. Yes.
6 MS. GRODENTZIK: Objection. You
7 can answer.
8 A. Yes, I would say that, yes.
9 Q. This camera, is it a fixed
10 installation?
11 MS. GRODENTZIK: Objection. You
12 can answer if you know.
13 A. I'm sorry, a fixed installation?
14 What do we mean by that?
15 Q. Is it something that's a
16 permanent fixture in the location?
17 A. Oh, you mean as far as its view?
18 Q. As far as like the physical
19 layout of the camera, is it attached in the
20 ceiling?
21 A. Yes, yes, yes, yes. To my
22 knowledge, yes, they were ceiling-mounted
23 cameras at the time.
24 Q. And this camera was installed by
25 Boss Systems?

1 Panio
2 A. Yes.
3 Q. And do you know what type of
4 camera this is?
5 A. No, I don't. I don't know what
6 make or model we were using then.
7 Q. And the feed from this camera
8 would have, as we stated before, gone into
9 a 30-day archive and then been written over
10 after 30 days, correct?
11 A. Yes.
12 MS. GRODENTZIK: Objection to the
13 form. You can answer.
14 Q. And as stated generally before,
15 if a request was made to retrieve a video
16 made by this camera in that archive, it
17 would have been processed through the IG's
18 office?
19 A. Correct, yes.
20 Q. And, rewind a little actually.
21 And we're back at 13:31:00.
22 You said before that OMS had
23 requested this, for security purposes, to
24 look after certain drugs that were located
25 at the location?

1 Panio
2 A. Yes, a drug cabinet, yes.
3 Q. From this vantage, can you see
4 the drug cabinet that was in question?
5 MS. GRODENTZIK: Objection. You
6 can answer if you know.
7 A. I believe it's that -- it was a
8 wall-mounted cabinet.
9 Q. Okay. And do you see that in
10 this picture?
11 A. I personally have never actually
12 seen the cabinet. I see a wall-mounted
13 cabinet there, but I have personally never
14 actually seen the cabinet.
15 Q. Okay. I mean there looks like,
16 what, there's some kind of refrigeration
17 unit that is next to the woman who is
18 viewed on the right of this. Is that where
19 you're referring to when you say you see a
20 wall cabinet?
21 A. No. I'm not sure there's --
22 looks like there's a wall-mounted cabinet
23 there. That, yeah, I'm not sure if that's
24 a cabinet or not.
25 Q. I guess we're all speculating at

1 Panio
2 this point. But I see the holes in the
3 wall here. Is it possible there might have
4 been a cabinet in these holes that was
5 removed at some point?
6 A. Yes, yes, that is possible.
7 MS. GRODENTZIK: Objection.
8 Q. If that -- moving out of
9 speculation though -- if a cabinet had been
10 removed from that location, would there be
11 a work order that your office would have
12 maintained for that removal since it would
13 have affected the property?
14 MS. GRODENTZIK: Objection. You
15 can answer if you can.
16 A. I would think so, depending on
17 who removed the cabinet, if that's what it
18 was, yes.
19 Q. Now, before, you mentioned that
20 any production of this video to a third
21 party would have been handled through the
22 IG's office -- and I'm paraphrasing -- is
23 that correct?
24 A. They would have approved the
25 capturing or releasing of any video from

1 Panio
2 our security camera, yes.
3 Q. And is there any way that an
4 employee operating without IG authorization
5 could have produced a video from this
6 archive?
7 A. No.
8 MR. SOTO: I'll stop sharing the
9 video. If we could just take two while
10 I review my notes. I think I'm done
11 but I just need to review.
12 (Off record)
13 Q. I just have one additional
14 question. I mean we touched upon this
15 before, but the camera that we just -- feed
16 that we just viewed in Plaintiff's Exhibit
17 1, was there any sort of special operating
18 procedure or provision made for the
19 operation of that camera that was different
20 from any other security cameras that were
21 operated? I think you're still on mute,
22 Mr. Panio.
23 A. I'm sorry.
24 No.
25 MR. SOTO: No further questions

1 Panio
 2 at this point.
 3 MS. GRODENTZIK: I just have one
 4 or two questions. Just give me a
 5 second.
 6 EXAMINATION
 7 BY MS. GRODENTZIK
 8 Q. Mr. Panio, does your office keep
 9 a log of the requests that would have been
 10 made for the particular camera that we've
 11 been discussing that captured the video in
 12 Exhibit 1?
 13 A. We do maintain copies of requests
 14 from the -- that are approved by the IG's
 15 office, yes.
 16 Q. Okay. Other than a request that
 17 might have been made for the video with
 18 respect to this particular case involving
 19 Ms. Talarico, are you aware of any other
 20 requests having been made for the video
 21 being pulled from the camera that showed
 22 the footage in Exhibit 1 -- that would have
 23 depicted, sorry, the room at OMS in Exhibit
 24 1?
 25 A. No, no.

1 Panio
 2 Q. Okay. So your office has no
 3 other requests for that video?
 4 A. No.
 5 Q. And that would have been from
 6 2002 until when OMS vacated the property at
 7 233 Park Avenue South?
 8 A. Yes.
 9 MS. GRODENTZIK: I don't have
 10 anything else.
 11 MR. SOTO: Nothing for me.
 12 (Time noted: 11:09 a.m.)
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1 Panio
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 6 JOSEPH PANIO
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 9 Subscribed and sworn to
 10 before me this day
 11 of 2020
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 16
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1
 2 CERTIFICATE
 3
 4 STATE OF NEW YORK)
 5) ss.
 6 COUNTY OF NEW YORK)
 7
 8 I, Julia Liu, a Shorthand Reporter and
 9 Notary Public within and for the State of
 10 New York, do hereby certify:
 11 That JOSEPH PANIO, the witness whose
 12 deposition is hereinbefore set forth, was
 13 duly sworn by me and that such deposition is
 14 a true record of the testimony given by such
 15 witness.
 16 I further certify that I am not
 17 related to any of the parties to this action
 18 by blood or marriage and that I am in no way
 19 interested in the outcome of this matter.
 20
 21
 22 JULIA LIU
 23
 24
 25

25

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25

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